



This Recommended Order and Decision became the Order and Decision of the  
Illinois Human Rights Commission on 9/20/02.

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:	)	
	)	
JOSEPH NOWAK,	)	
	)	
Complainant,	)	
	)	Charge No.: 1999CF1389
and	)	EEOC No.: 21B990634
	)	ALS No.: 11144
FAVORITE BRANDS INTERNATIONAL,	)	
	)	
	)	
Respondent.	)	

**RECOMMENDED ORDER AND DECISION**

On January 5, 2000, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Joseph Nowak. That complaint alleged that Respondent, Favorite Brands International, harassed Complainant on the basis of his national origin.

This matter now comes on to be heard on Respondent's Motion to Dismiss. Although the motion was mailed to his last known address, Complainant failed to file any written response to the motion and the time for filing such a response has passed. The matter is ready for decision.

**FINDINGS OF FACT**

The following facts were derived from the record file in this matter.

1. On August 24, 2000, Administrative Law Judge Tracy Shine entered an order setting a status hearing for June 6, 2001.

Complainant was present when that order was entered and had the opportunity to obtain a copy of the order.

2. Complainant failed to appear at the June 6, 2001 status hearing.

3. On June 7, 2001, Administrative Law Judge Michael J. Evans entered an order setting a status date of July 9, 2001. That order was mailed to Complainant's last known address and was not returned.

4. Complainant did not appear for the July 9, 2001 status hearing.

5. On February 28, 2002, an order was entered which set a new status date of March 21, 2002. That order specifically stated that failure to appear might result in dismissal of the case. The order was mailed to Complainant's last known address and was not returned.

6. On March 25, 2002, Respondent filed a written motion to dismiss the case for want of prosecution. That motion was mailed to Complainant's last known address.

7. Complainant did not file any written response to Respondent's motion to dismiss.

#### CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter.

2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

### DISCUSSION

Complainant has taken absolutely no action to prosecute this matter since August of 2000. Without explanation, he has missed three consecutive scheduled status hearings. Even a written motion to dismiss failed to stir him to action. His inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned his claim. As a result, it is appropriate to dismiss the claim with prejudice. See *Leonard and Solid Matter, Inc.*, \_\_\_ Ill. HRC Rep. \_\_\_, (1989CN3091, August 25, 1992).

### RECOMMENDATION

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter. It appears that he has abandoned his claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: August 9, 2002